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LYMAN C. WELCH
CC DOCKET NO. 97-181; FCC 97-316 COMMENTS
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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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COMMENTS OF LYMAN C. WELCH ON DEFINING PRIMARY LINES

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COMMENTS OF LYMAN C. WELCH ON DEFINING PRIMARY LINES

I. Increased Charges For Additional Lines Is Burdensome,
Contrary To Actual Cost, and Impedes Internet Growth

Allowing greater PICC and SLC charges for additional lines creates unnecessary record keeping burdens, does not reflect any additional cost and adversely impacts access to computer information services.

1. By creating an unnecessary distinction between "primary" and "secondary" line pricing, the FCC has unnecessarily created a burdensome regulatory structure which will affect every telephone user in the country. The arbitrary distinction between "primary" and "secondary" lines forces additional regulation--which contradicts Congressional intent to de-regulate telephone charges.

2. The cost to telephone companies of installing additional lines is less than or equal to the cost of a primary line and therefore, charges for additional lines should be less than the charges for primary lines rather than greater as ordered by the commission. In most residential cases, the telephone company can use the same physical equipment to service the additional line. In business scenarios, administrative cost is reduced for additional lines since there is only one account which must be billed and therefore administrative overhead costs

(e.g. bill printing, record keeping, postage, etc.) is reduced for additional lines.

3. This odd rate structure will result in increased costs to Internet service providers as well as residential users who use additional lines for Internet access. As a result, these increased charges stifle growth, investment and innovation in the Internet. The existing voice-grade telephone system is outdated for packet-switched communications. Allowing additional charges to ISPs for additional lines will only hamper the growth of the infant ISP industry and slow progress towards high-bandwidth solutions. Congress has recognized the importance of public access to the Internet by preventing agencies from over-burdening this new technology by regulation. See 47 U.S.C. § 230(b)(2).

If the FCC is to regulate charges for additional lines, it should act to reduce such charges to reduce regulatory burdens, correctly reflect costs to telephone companies of installing additional lines, encourage growth and development of new technologies and increase public access to the Internet.

II. A Definition of a "Primary Residential Line" Should Be Based on the Individual Subscriber

If a primary line must be defined, it should be defined in terms of subscribers. A proposed definition would read as follows: "A line shall be deemed to be a primary residential line if the subscriber pays a rate that is described as a residential

rate in the local exchange service tariff and does not obtain more than one such line from a particular telephone company." Such a definition avoids complex questions of defining a household, parallels the current definition of a business line (47 C.F.R. 69.104(h)) and is simple to understand and administer. Today, many individuals share residences, but each have their own telephone lines. Households may change, but subscribers are each individually identifiable.

III. Customers Must Be Allowed Oral Self-Certification

Allowing oral self-certification by the customer and recorded in the carriers' records will greatly reduce administrative burdens. Standard uniform language should be developed, based on the definition of a primary line. Self-certification need only be done when a new line is established, when a line is terminated, when the customer switches carriers or at the customer's request. No self-certification in writing should be required by the customer as it is unnecessary, would be unduly burdensome and difficult to enforce. Telephone companies should retain such records of self-certification in its records as long as the telephone line is active with the telephone company.

IV. Customers' Privacy Must Be Protected

I endorse the tentative decision not to develop a national database or to use social security numbers to track primary

residential lines. Any customer information collected is protected by 47 U.S.C. section 222(f)(1) and should not be released without written customer approval.

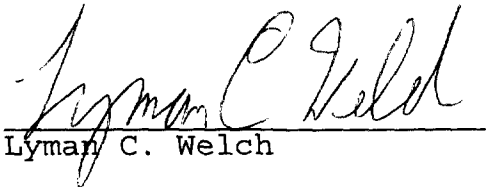
V. Disclosure Should Be Included In Each Telephone Bill

A disclosure statement should be provided to the customer 2 months in advance of when the new charges go into effect and included on each bill sent by the telephone company to the customer.

VI. Accepting Comments Via Internet Broadens Public Access

I also thank the Commission for accepting informal public comments via the Internet on this proposal. The current formal paper filing requirements are overburdensome and the comment process could be improved by granting electronic e-mailed comments the same status as "Formal" paper comments. Accepting Internet comments broadens the input from the public and allows greater access to non-commercial viewpoints.

Respectfully submitted,


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